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19 Rocio Flores

20 **UNITED STATE DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 ANTONIO LOPEZ, individually;
23 JOHANNA LOPEZ, individually;
24 M.R., by and through his guardian ad
25 litem, April Rodriguez, individually
and as successor in interest to
26 Brandon Lopez; B.L. and J.L., by and
through their guardian ad litem
27 Rachel Perez, individually and as
successors in interest to Brandon
Lopez; S.L., by and through his
guardian ad litem, Rocio Flores,
individually and as successor in
interest to Brandon Lopez,,

28 Plaintiff,

vs.

Case No.: 8:22-cv-01351-JVS-ADS

*(Honorable James V. Selna; Magistrate
Judge Autumn D. Spaeth)*

**DECLARATION OF LENA P.
ANDREWS IN SUPPORT OF
PLAINTIFFS' EX PARTE MOTION
TO MODIFY THE SCHEDULING
ORDER**

1 CITY OF ANAHEIM, a municipal
2 corporation; CITY OF SANTA
3 ANA, a municipal corporation;
4 DAVID VALENTIN, individually
5 and in his official capacity as the
6 Chief of Police for the CITY OF
7 SANTA ANA Police Department;
8 JORGE CISNEROS, individually
9 and in his official capacity as the
10 Chief of Police for the CITY OF
11 ANAHEIM Police Department;
12 PAUL DELGADO, individually and
13 in his official capacity as an officer
14 for the CITY OF ANAHEIM Police
15 Department; BRETT HEITMAN;
16 KENNETH WEBER, individually
17 and in his official capacity as an
18 officer for the CITY OF ANAHEIM
19 Police Department; BRETT
20 HEITMAN; CAITLIN PANOV,
21 individually and in her official
22 capacity as an officer for the CITY
23 OF ANAHEIM Police Department;
24 BRETT HEITMAN, individually and
25 in his official capacity as an officer
26 for the CITY OF ANAHEIM Police
27 Department; BRETT HEITMAN;
DOES 1-10, individually and in their
official capacity as law enforcement
officers for the CITY OF ANAHEIM
Police Department and CITY OF
SANTA ANA Police Department,,

Defendants.

I, Lena Andrews, declare:

1. I am an attorney who is licensed to practice law in California and before
2 this Court. I represent the Plaintiff in the above captioned matter and I have personal
3 knowledge of the following facts, and, if called as a witness, I could and would
4 competently testify thereto.

2. Since the City of Anaheim Defendants filed their Motion to Continue,
3 the parties have been diligently engaged in the litigation. The parties are diligently
4 working to finalize the settlement and make arrangements for structured settlements.

1 3. Plaintiffs Johanna Lopez and Antonio Lopez were not parties to the
2 settlement between the Minor Plaintiffs and the City of Anaheim Defendants.

3 4. On April 2, 2024, Plaintiffs Johanna Lopez and Antonio Lopez and the
4 City of Anaheim Defendants were scheduled to attend a mediation with the
5 Honorable Judge Joseph Biderman.

6 5. Due to a conflict with her employment, Plaintiff Johanna Lopez became
7 unavailable on April 2, 2024, necessitating the cancellation of the mediation.

8 6. The intention was always to reschedule the mediation as both parties
9 are hopeful that the remaining claims can be settled.

10 7. Thereafter attorneys for all parties, including DeWitt Lacy, Julia
11 Quesada, Lena Andrews, Tony Sain, and Tori Bakken, began a federal trial in the
12 courtroom of the Honorable Judge Robbinson in the Southern District of California.

13 8. The trial began on April 16, 2024, and concluded on April 29, 2024.

14 9. Due to the trial and counsels for all parties unavailability, it was not
15 possible to reschedule the mediation between April 2, 2024, and April 29, 2024.

16 10. After the Defendants stated they would agree to a stipulation once the
17 mediation has been rescheduled, the parties worked to find a date to reschedule the
18 mediation and May 14, 2024.

19 11. There is still additional discovery that Plaintiffs need to complete,
20 including the depositions of the named Defendant officers.

21 12. Due to the previously scheduled mediation on April 2nd, the trial which
22 lasted from April 16th to April 29th, and both parties desire to mediate the case prior
23 to incurring additional costs, the depositions of the Defendant Officers have not yet
24 occurred.

25 13. After the stay of discovery was lifted on November 21, 2023, the parties
26 were diligently engaged in settlement negotiations.

27

1 14. Due to the mediation previously set for April 2, 2024, the stay of
2 discovery, and counsel's unavailability due to trial, the depositions of the Defendant
3 Officers have not yet been taken.

4 15. Additional time is thus necessary to permit the mediation to go forward
5 on May 14, 2024, and, if the case is not resolved on that date, to allow time to finish
6 fact discovery prior to incurring the expense of retaining experts.

7 16. Plaintiffs' counsel is not available on the date currently set for trial. The
8 Court previously set a trial date of September 17, 2024, in response to Defendants'
9 Motion to Continue Case Management Deadlines, Including Trial Date. [Dkts. 104,
10 110]. Plaintiffs Counsel is scheduled to begin another trial on September 9, 2024, in
11 the courtroom of the Honorable Magistrate Judge Christopher D. Baker, Eastern
12 District of California, in the matter of *Dibbern v City of Bakersfield et al*, case no.
13 1:22-cv-00723-CDB. The trial is expected to last at least two weeks.

14 17. The *Dibbern* trial was scheduled prior to the trial in this matter.

15 18. Attached hereto as "**Exhibit A**" is a true and correct copy of Emails re
16 Request to Meet and Confer re Modification of the Scheduling Order.

17 19. Attached hereto as "**Exhibit B**" is a true and correct copy of Emails re
18 Lopez (PC) Mediation dates.

20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on May 7, 2024, at Beverly Hills, California.

23 By: /s/ Lena Andrews

24 Lena Andrews

25 Attorney for Plaintiff,

26 Antonio Lopez, Johanna Lopez, &
27 S.L. by and through his guardian ad
 item Rocio Flores